

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.: 10/700,329
APPLICANT : Marcus da Silva et al.
TITLE : DIRECTED WIRELESS COMMUNICATION
FILED : November 3, 2003
EXAMINER : Lee, Justin Ye
TC/A.U : 2617

FILED VIA EFS

MAIL STOP PETITIONS
COMMISSIONER FOR PATENTS
P. O. Box 1450
Alexandria, Virginia 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(b)

Dear Sir:

In response to the Decision On Petition mailed May 6, 2010 regarding the above-identified patent application, Applicants respectfully request reconsideration.

As background, a Petition to Revoke under 37 CFR 1.137(b) was initially filed on August 28, 2009 by Carl Schwedler for the above-identified patent application. Mr. Schwedler was the attorney for the assignee of the above-identified application at that time,

namely Aequitas Equipment Finance LLC. The Petition included the required reply (RCE and Amendment), the appropriate fees and the required statement of unintentional delay. However, a power of attorney signed by the assignee appointing Mr. Schwedler and a Statement under 37 CFR 3.73(b) were not filed. A Decision on Petition was mailed on November 3, 2009 dismissing the petition as lacking the required reply and the statement of unintentional delay (both of which were signed by Mr. Schwedler) because they were not signed by a proper party.

Mr. Schwedler, on behalf of the assignee at that time, Aequitas Equipment Finance LLC, filed a Renewed Petition Under 37 CFR 1.137(b) on November 18, 2009. With the Renewed Petition, Mr. Schwedler submitted a Power of Attorney executed by the assignee, and a Statement under 37 CFR 3.73(b) showing a chain of title from the inventors of the application to Aequitas Equipment Finance LLC.

This application was subsequently assigned to XR Communications LLC on December 23, 2009, while the Renewed Petition was still pending. The assignment to XR Communications LLC was also recorded on December 23, 2009. On April 26, 2010, a power of attorney was filed by XR Communications LLC appointing Daniel P. Burke as attorney of record to prosecute the application and a Statement Under 37 CFR 3.73(b) setting forth the chain of title from the inventors of the application to XR Communications LLC.

A Decision on Petition to the Renewed Petition was mailed on May 6, 2010 dismissing the renewed petition and taking the position that the power of attorney filed on

November 18, 2009 was improper because it did not contain a complete chain of title from the original owner to the then current assignee of record.

Turning now to the present Renewed Petition, Applicants respectfully request reconsideration. In support of this renewed petition, Applicants respectfully submit that they have now corrected the defects to the originally filed Petition filed on August 28, 2009 and the defects to the Renewed Petition filed on November 18, 2009. Specifically, Applicants submit herewith a Power of Attorney signed by the current assignee of record, namely XR Communications LLC, appointing the undersigned as the attorney of record to prosecute this application. Also submitted herewith is a Statement Under 37 CFR 3.73(b) setting forth a complete chain of title from the inventors of this application to the current assignee of record, namely XR Communications LLC. Applicants respectfully submit that the documentary evidence of the chain of title set forth in the 3.73(b) statement and the attached supplemental sheet were previously submitted to the PTO for recordation. Accordingly, the statement of unintentional delay in the Renewed Petition is proper in that it is now signed by the attorney of record for the current assignee of record.

In addition, Applicants respectfully submit that they have also corrected the defects to the reply filed on August 28, 2009 by filing the enclosed reply (RCE and Amendment) which are signed by a proper party, namely the attorney of record for the current assignee of record.

Applicants respectfully submit that the petition fee in the amount of \$810.00 required under 37 CFR 1.137(b)(2) was previously submitted with the originally filed Petition on August 28, 2009. Similarly, the RCE fee in the amount of \$405.00 required under 37 CFR


1.17(e) was also previously submitted with the originally filed Petition on August 28, 2009. Accordingly, Applicants respectfully submit that these fees do not need to be resubmitted with the instant Renewed Petition. Nonetheless, the Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment, to Applicants' attorney's Deposit Account No. 50-4506.

Accordingly, Applicants respectfully submit that all requirements of 37 CFR 1.137(b) have been satisfied by the present submission and Applicants respectfully request granting of the present Renewed Petition, so that the application can proceed to further substantive examination.

If the Director has any questions or comments regarding this Renewed Petition, the Director is respectfully requested to contact Applicants' attorney at the telephone number set forth below.

Respectfully submitted,
MARCUS DA SILVA, et al.

Dated: 11/8/10


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Enclosures: Petition for Revival of Application Under 37 CFR 1.137(b)
Executed Power of Attorney
Statement under 37 CFR 3.73(b)
RCE Transmittal
Amendment in Response to Office Action